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R. v. Pelletier, [2003] 1 S.C.R. 4, 2003 SCC 2

Michael Pelletier

Appellant

v.

Her Majesty The Queen

Respondent

Indexed as: R. v. Pelletier

Neutral citation: 2003 SCC 2.

File No.: 29062.

2003: January 21.

Present: McLachlin C.J. and Iacobucci, Major, LeBel and Deschamps JJ.

on appeal from the court of appeal for british columbia

Criminal law — Charge to jury — Parties to offence — Crown's closing address to jury — Accused convicted of second degree murder and other related offences — Trial judge's charge to jury on s. 21(2) of Criminal Code adequate as a whole — Crown's remarks to jury not amounting to

miscarriage of justice.

APPEAL from a judgment of the British Columbia Court of Appeal (2002), 162 C.C.C. (3d) 1 (*sub nom. R. v. Wise*), 163 B.C.A.C. 136, 267 W.A.C. 136, [2002] B.C.J. No. 234 (QL), 2002 BCCA 80, upholding the accused's convictions for second degree murder, aggravated assault, and break, enter and robbery. Appeal dismissed.

Matthew A. Nathanson, for the appellant.

Alexander Budlovsky, for the respondent.

The judgment of the Court was delivered orally by

1 THE CHIEF JUSTICE — This is an appeal as of right. We are all of a view to dismiss the appeal, substantially for the reasons of Finch C.J.B.C. in the Court of Appeal.

Judgment accordingly.

Solicitors for the appellant: Gibbons Fowler Nathanson, Vancouver.

Solicitor for the respondent: Ministry of the Attorney General, Vancouver.

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Judgment accordingly.

Solicitors for the appellant: Gibbons Fowler Nathanson, Vancouver.

Solicitor for the respondent: Ministry of the Attorney General, Vancouver.

Citation: R. v. Wise, 2003 SCC 1, [2003] 1 S.C.R. 3

Date: January 21, 2003

Docket: 29061

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R. v. Wise, [2003] 1 S.C.R. 3, 2003 SCC 1

Her Majesty The Queen

Appellant

v.

Mark Wise

Respondent

Indexed as: R. v. Wise

Neutral citation: 2003 SCC 1.

File No.: 29061.

2003: January 21.

Present: McLachlin C.J. and Iacobucci, Major, LeBel and Deschamps JJ.

on appeal from the court of appeal for british columbia

Criminal law — Verdict — Unreasonable verdict — Accused convicted of second degree murder and other related offences — Court of Appeal not erring in law in setting aside verdict as unreasonable.

APPEAL from a judgment of the British Columbia Court of Appeal (2002), 162 C.C.C. (3d) 1, 163 B.C.A.C. 136, 267 W.A.C. 136, [2002] B.C.J. No. 234 (Q.L.), 2002 BCCA 80, setting aside the accused's convictions for second degree murder, aggravated assault, and break, enter and robbery. Appeal dismissed.

Alexander Budlovsky, for the appellant.

John O. Richardson, for the respondent.

The judgment of the Court was delivered orally by

THE CHIEF JUSTICE — This is an appeal as of right. We are all of a view to dismiss the appeal, for the reasons of Finch C.J.B.C. in the Court of Appeal.

Judgment accordingly.

Solicitor for the appellant: Ministry of the Attorney General, Vancouver.

Solicitor for the respondent: John O. Richardson, Vancouver.

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